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FILED

NOV 13 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

ATTORNEYS FOR DEFENDANT JON R. DOYLE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON R. DOYLE,

Defendant.

CASE NO. CR-05-00199 HRL

STIPULATION AND ORDER
CONTINUING SENTENCING HEARING

Crim. L.R. 32-2

[No Hearing Requested]

STIPULATION

Pursuant to Criminal Local Rule 32-2, Jon R. Doyle requests that the court continue the sentencing hearing to February 1, 2007 at 9:30 a.m.

Good cause exists to continue this hearing. In mid September, Mr. Doyle and defense counsel met with E-brary's vice president and general counsel to resolve restitution. Progress was made in reaching a resolution of the restitution issue. However, E-brary requested documents that were in the possession of the United States Probation Office. Mr. Doyle could not provide the specific documents to E-brary until October 30th. All parties believe that resolving restitution prior to sentencing will preserve judicial resources and allow the sentencing to proceed without the necessity of a drawn out hearing on that issue. Therefore, it is necessary to continue the sentencing hearing to resolve the restitution issue. Additionally, continuing the

1 sentencing hearing to February 1, 2007 will allow the probation officer adequate time to
2 incorporate the restitution resolution into the Pre-sentence Report.

3 1. On November 2, 2006, I discussed the reasons for seeking a continuance of the
4 sentencing hearing and the proposed hearing date of February 1, 2007, with Assistant United
5 States Attorney Shashi H. Kewalranani. Mr. Kewalranani does not object to the stipulation and
6 continued hearing date.

7 2. On November 2, 2006, I had a follow-up discussion with Assistant Probation
8 Officer J.D. Woods about seeking a continuance of the sentencing hearing and the proposed
9 hearing date of February 1, 2007. Mr. Woods does not object to the stipulation and continued
10 hearing date.

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct and that this document was executed on the 6th day of November
13 2006, at San Jose, California.

14 DATED: NOVEMBER 6, 2006

BERLINER COHEN

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16 BY: /s/CHRISTIAN E. PICONE

FRANK R. UBHAUS

CHRISTIAN E. PICONE

ATTORNEYS FOR DEFENDANT JON R. DOYLE

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1 I approve of the above Stipulation.

2 Dated: November 6, 2006

3 KEVIN D. RYAN
4 UNITED STATES ATTORNEY

5 BY: /s/SHASHI H. KEWALRANANI
6 SHASHI H. KEWALRANANI
7 ASSISTANT UNITED STATES ATTORNEY

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10 **ORDER**

11 Based on the foregoing stipulation and good cause appearing therefore, it is hereby
12 ordered that the sentencing hearing scheduled for Thursday, November 30, 2006 is vacated and
13 this matter is continued for a sentencing hearing on Thursday, February 1, 2007 at 9:30 a.m.

14 DATED: 11/13/06

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16 HOWARD R. LLOYD
17 UNITED STATES MAGISTRATE JUDGE
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